

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

**Plaintiff**

v.

\$1,190.13 IN U.S. CURRENCY,

**Defendant.**

**CIVIL NO. 20-**

**VERIFIED COMPLAINT FOR FORFEITURE IN REM**

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, W. Stephen Muldrow, United States Attorney for the District of Puerto Rico; Héctor E. Ramírez-Carbó, Assistant United States Attorney, Chief Civil Division; and Maritza González-Rivera, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

**NATURE OF THE ACTION**

This is a civil action in rem brought to enforce the provisions of Title 21, United States Code, Sections 881(a)(6) and 841(a)(1); and Title 18, United States Code, Section 924(C)(1)(A)(i).

**DEFENDANT IN REM**

The defendant property seized by an officer of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), consist of: \$1,190.13 in U.S. Currency.

## **JURISDICTION AND VENUE**

This Court has subject matter jurisdiction over an action commenced by the United States pursuant to Title 28, United States Code, Section 1345; over an action for forfeiture pursuant to Title 28, United States Code, Section 1355; and over this particular action pursuant to Title 21, United States Code, Sections 881(a)(6) and 841(a)(1); and Title 18, United States Code, Section 924(C)(1)(A)(i).

## **BASIS FOR FORFEITURE**

This court has in rem jurisdiction over defendant currency pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1355(b)(1)(B) (the defendant currency is found in this district).

Venues is proper in this district pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1395 (the defendant currency is found in this district).

## **CLAIM FOR RELIEF**

This is a civil action in rem brought to enforce the provisions of Title 21, United States Code, Sections 881(a)(6) – Civil Forfeiture; 841(a)(1) – Prohibited Acts A; and Title 18, United States Code, Section 924(C)(1)(A)(i) – Penalties.

## **FACTS**

The facts and circumstances supporting the seizure and forfeiture of defendant currency are contained in the Title 28, United States Code, Section 1746 unsworn declaration of Raúl Peña, ATF Senior Special Agent attached hereto, and incorporated herein as if fully stated.

**CLAIM FOR RELIEF**

WHEREFORE, the United States of America prays that a warrant of arrest for defendant currency be issued; that due notice be given to all parties to appear and show cause why forfeiture should not be decreed; that judgment be entered declaring defendant currency condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deemed just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 30<sup>th</sup> day of April 2020.

W. STEPHEN MULDROW  
United States Attorney

*s/ MGonzalez*  
Maritza González-Rivera  
Assistant U.S. Attorney  
350 Chardon Street  
1201 Torre Chardon Building  
Hato Rey, Puerto Rico 00918  
Tel. (787) 766-5656  
Fax. (787) 771-4050  
Email: [Maritza.gonzalez@usdoj.gov](mailto:Maritza.gonzalez@usdoj.gov)

**VERIFIED DECLARATION**

I, Maritza González-Rivera, Assistant U.S. Attorney, for the District of Puerto Rico, declare under penalty of perjury as provided by Title 28, United States Code, Section 1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by ATF; that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 30<sup>th</sup> day of April 2020.

s/ Maritza González-Rivera  
Maritza González-Rivera  
Assistant U.S. Attorney

**VERIFIED DECLARATION**

I, Raúl Peña, ATF Senior Special Agent, declare as provided by Title 28, United States Code, Section 1746, the following:

I have read the contents of the foregoing Complaint for Forfeiture In Rem and the attached unsworn declaration thereto, and I find the same to be true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 30<sup>th</sup> day of April 2020.

\_\_\_\_\_  
Raúl Peña, Senior Special Agent  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives (ATF)

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Maritza González-Rivera, AUSA, 350 Carlos Chardon Ave, Suite 1201, Hato Rey, PR 00918

## DEFENDANTS

\$1,190.13 IN U.S. CURRENCY

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |   |   |   |
|---|---|---|---|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3 | Foreign Nation  | PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 675 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Reps. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 FIA (1395ff) <input type="checkbox"/> 862 Black Lung (933) <input type="checkbox"/> 863 DFWC/DFWW (408(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Free Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

## V. ORIGIN

- (Place an "X" in One Box Only)
- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Title 21, United States Code, Sections 881(a)(6) and 841; Title 18, United States Code, Section 924(C)(1)(A)(i).

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 04/30/2020

SIGNATURE OF ATTORNEY OF RECORD

s/Maritza González

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_




**United States District Court *for the* District of Puerto Rico**
**CATEGORY SHEET**

1. Title of Case (Name of first party on each side only)

U.S. v. \$1,190.13 in U.S. Currency

2. Category in which case belongs: (See Local Rules)

☒

ORDINARY CIVIL CASE  
SOCIAL SECURITY  
BANK CASE  
INJUNCTION

CIVIL FORFEITURE

3. Title and number, if any, of related cases (See Local Rules)

4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?

☐ YES

☒

NO

5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?

☐ YES

☒

NO

6. Does this case question the constitutionality of a state statute (FRCP 24)?

☐ YES

☒

NO

(Please Print)

USDC ATTORNEY'S ID NO.

USDC # 208801

ATTORNEY'S NAME:

Maritza González-Rivera

MAILING ADDRESS:

TORRE CHARDON, SUITE 1201, 350 CARLOS CHARDON AVE

TELEPHONE NO.

HATO REY PR

ZIP CODE

00918

787-766-5656

**UNSWORN DECLARATION**  
**IN SUPPORT OF FORFEITURE COMPLAINT**

INTRODUCTION

Pursuant to 28 U.S.C § 1746, I, Raúl Peña, Senior Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), United States Department of Justice, hereby declare under penalty of perjury that the following is true and correct:

LAW ENFORCEMENT AUTHORITY

I am a law enforcement officer of the United States who is charged by the Attorney General, pursuant to 28 U.S.C. § 599A and 28 C.F.R. § 0.130, with the duty of investigating, administering and enforcing the laws related to alcohol, tobacco, firearms, explosives and arson, and performing other duties as assigned. I am empowered, pursuant to 28 C.F.R. § 0.130, to seize forfeit, and remit or mitigate the forfeiture of property in accordance with 21 U.S.C. § 881 and applicable Department of Justice regulations.

Furthermore, I am empowered, pursuant to 18 U.S.C. § 3051(a), to make arrests without warrant for any offense against the United States committed in my presence, or for any felony cognizable under the laws of the United States if I have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, I am empowered, pursuant to 18 U.S.C. § 3051(b), in respect to the performance of my duties, to make seizures of property subject to forfeiture to the United States.

### BACKGROUND AND TRAINING

I have been a Special Agent with the ATF for 9 years. I have received extensive training at the Federal Law Enforcement Training Center in Glynco, Georgia. I am currently assigned to the Puerto Rico Group II in San Juan, PR. I have received extensive training on numerous Federal laws and regulations found in Title 18 and Title 21, United States Code, including laws and regulations relating to firearms and their illegal possession and use in furtherance of drug trafficking.

### COMPLAINT FOR FORFEITURE

This Unsworn Declaration is submitted in support of the Complaint for Forfeiture in Rem, which involves the offenses detailed in Sections 841, 853, and 881(a)(6) of Title 21, United States Code, particularly the all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for controlled substance or listed chemical in violation of the subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments and securities used or intended to be used to facilitate any violation of this subchapter; and Title 18, United States Code, section 924(C)(1)(A)(i), possession of a firearm in furtherance of a drug trafficking crime. Therefore, I have not set forth each and every fact learned during the course of this investigation.

### PROPERTY TO BE FORFEITED

ATF seeks the forfeiture of \$1,190.13 in U.S. Currency which have been in ATF custody since March 31, 2016.

### BASIS FOR FACTS CONTAINED IN THIS UNSWORN DECLARATION



I make this unsworn declaration, on information and belief derived from the following source(s):

A. Oral and/or written reports and documents from Bureau of Puerto Rico Police (BPRP).

1. On March 30, 2016, at approximately 6:20 PM, Puerto Rico Police Department (PRPD) Agents from the Guayama Drug Division, Guayama, PR, executed a search warrant issued by a Puerto Rico District Judge at a residence located at San Tomas Ward, Narciso Collazo Street #333, Cayey, PR (residence here in after). During the execution of the search warrant PRPD Agents found and seized the following:

- (a) Glock pistol, model 22, .40 caliber, bearing serial number GSM214, loaded with a fifteen (15) rounds capacity magazine containing fourteen (14) rounds of .40 caliber ammunition plus one (1) in the chamber;
- (b) one twenty two (22) rounds capacity magazine containing fifteen (15) rounds of .40 caliber ammunition (a total of thirty (30) rounds of .40 caliber ammunition),
- (c) three (3) rounds of .45 caliber ammunition,
- (d) approximately thirty one (31) grams of cocaine in a clear zip top bag (field tested positive to cocaine),
- (e) twenty nine (29) baggies containing cocaine,
- (f) one (1) baggie containing marijuana (field tested positive to marijuana),
- (g) two (2) radio communication devices ("scanners"),
- (h) two (2) digital scales, drug ledgers, a sealed plastic jar labeled "Super Lactose";
- (i) one (1) "Blunt" cigar wrapper and
- (j) approximately one thousand one hundred and ninety dollars and thirteen cents (\$1,190.13) in U.S. Currency (approximately \$205.00 were found in Ivan J. LOPEZ-RODRIGUEZ's bedroom and approximately \$985.13 were found in a bedroom which had indicators that was occupied by Carlos J. LOPEZ-RODRIGUEZ, \$785.00 of which were inside a "Volcom" brand wallet that was claimed by Carlos J. LOPEZ-RODRIGUEZ ).

2. PRPD Agents stated that Ivan J. LOPEZ-RODRIGUEZ and Carlos J. LOPEZ-RODRIGUEZ each, have pending cases in Puerto Rico District Court for controlled substances.

3. On March 31, 2016, PRPD Agents contacted ATF Agents for further investigation. ATF Agents went to the Guayama Drug Division, Guayama, PR to investigate the event. ATF Agents provided Ivan J. LOPEZ-RODRIGUEZ his Miranda Rights in writing; he understood his rights, waived them and agreed to speak to the ATF Agents. Ivan J. LOPEZ-RODRIGUEZ indicated that he willingly accepted the responsibility of all the evidence found in the residence where he was arrested (the residence). ATF Agents asked Ivan J. LOPEZ-RODRIGUEZ if he was willing to write down an admission claiming responsibility of all the evidence seized. Ivan J. LOPEZ-RODRIGUEZ indicated that he was willing and wrote down on Affidavit ATF Form 5000.2 a statement indicating that he assumed responsibility of the firearm, ammunition, cocaine and scales found in the residence and signed it under oath taken by an ATF Agent. Ivan J. LOPEZ-RODRIGUEZ stated that he lived in the residence. He also indicated that he has been unemployed for about a year. Ivan J. LOPEZ-RODRIGUEZ admitted that he acquired the firearm for protection due to his involvement with controlled substances. Ivan J. LOPEZ-RODRIGUEZ stated that the money found in Carlos J. LOPEZ-RODRIGUEZ belonged to his brother (Carlos). Ivan J. LOPEZ-RODRIGUEZ said that he has a pending case at the state level for controlled substances.

4. On March 31, 2016, ATF Agents provided Carlos J. LOPEZ-RODRIGUEZ his Miranda Rights in writing; he understood his rights, waived them and agreed to speak to the ATF Agents. Carlos J. LOPEZ-RODRIGUEZ stated that he was under methadone treatment and has been a controlled substances user (marijuana) for approximately ten (10) years. He indicated that the Volcom wallet found in one of the bedrooms belonged to him and he alleged that he left it there some time ago because he does not live at the residence. Carlos J. LOPEZ-RODRIGUEZ denied any knowledge of the items found at the residence. He said

that he served a term of imprisonment of four (4) years for possession of marijuana. He indicated that from all the money found and seized at the residence, approximately \$240.00 belonged to him.

5. The two (2) females were interviewed by ATF Agents after being provided their Miranda Warnings, and waiving their rights. Both indicated that they had no knowledge of the controlled substances and firearm found in the residence and alleged that none of them lived there.

6. Further investigation and a preliminary query of the Criminal Information Systems revealed that Carlos J. LOPEZ-RODRIGUEZ was convicted in 2002 for a term of imprisonment exceeding one year for controlled substances violations. In addition, the systems revealed that Ivan J. LOPEZ-RODRIGUEZ and Carlos J. LOPEZ-RODRIGUEZ have been arrested on multiple occasions for firearms and/or controlled substances violations.

7. On April 13, 2016, a Federal Grand Jury sitting in the District of Puerto Rico, returned an Indictment against the defendants, Ivan J. LOPEZ-RODRIGUEZ and Carlos J. LOPEZ-RODRIGUEZ, charging that defendants committed violations of Title 21, United States Code, section 841(a)(1), possession with the intent to distribute controlled substances, Title 18, United States Code, section 924(C)(1)(A)(i), possession of a firearm in furtherance of a drug trafficking crime and Title 18, United States Code, section 2, aiding and abetting. The Indictment contains a forfeiture allegation which states that “Upon conviction of the offense alleged in Counts Two and Three of this Indictment, [1] Ivan J. LOPEZ-RODRIGUEZ and [2] Carlos J. LOPEZ-RODRIGUEZ, the defendants, shall forfeit to the United States the following property pursuant to Title 21, United States Code, Sections 853 and 881:

1. All monies and/or property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the offense, including approximately \$1,190.00 in United States currency”.

Based upon my training, knowledge and experience, participation in other investigations, and facts concerning this investigation, I believe that the evidence supports the forfeiture of the following property used in furtherance and proceeds of a violation of a Federal Law to wit: possession of controlled substances with intent to distribute, (Title 21, United States Code, Section 841(a)(1)) the property mentioned above is subject to forfeiture and Title 18, United States Code, section 924(C)(1)(A)(i), possession of a firearm in furtherance of a drug trafficking crime

I declare under penalty of perjury that the foregoing is true and correct. Signed and declared, in San Juan, Puerto Rico, this 30<sup>th</sup> of April, 2020.

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Raúl Peña, Senior Special Agent  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives (ATF)